

AO91 (Rev. 5/93 ND/AL) Criminal Complaint

FILED

2012 JAN 11 P 4:34

U.S. DISTRICT COURT
N.D. OF ALABAMAUNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA

CRIMINAL COMPLAINT

UNITED STATES OF AMERICA

v.

CASE NUMBER:

MATTHEW R. USHER,
defendant

MAG 12 003

I, Suzanne Prevatte, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

Count One

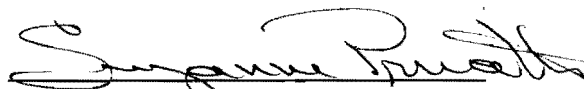
Between on or about the 9th day of January 2012, and including on or about the 11th day of January 2012, in Jefferson County, within the Northern District of Alabama, and elsewhere, the defendant,

MATTHEW R. USHER,

who was born on or about 1974, using a facility and means of interstate commerce, to wit: the internet and a telephone, did knowingly attempt to persuade, induce, and entice an individual, known to the defendant as a 13 year old male, who had not obtained the age of 18 years to engage in sexual activity for which the defendant can be charged with a criminal offense, such as: Sodomy in the Second Degree (Ala. Code § 13A-6-64); and, Sexual Abuse in the Second Degree (Ala. Code § 13A-6-67), in violation of Title 18, United States Code, Section 2422(b).

I further state that I am a Special Agent with the U.S. Department of Homeland Security, Homeland Security Investigations (HSI) and that this complaint is based on the facts set forth in the affidavit, which is attached hereto and incorporated herein by reference.

See Attachment "A"


Signature of Complainant

Sworn to before me and subscribed in my presence,

Date

1/12/12

at

Birmingham, Alabama

City and State

PAUL W. GREENE
Chief United States Magistrate Judge
Name and Title of Judicial Officer


Signature of PAUL W. GREENE

ATTACHMENT A

AFFIDAVIT

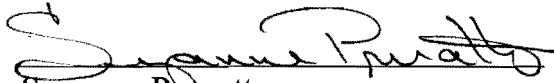
I, Suzanne Prevatte, after being duly sworn in due form of law, depose and say that:

1. I am a Special Agent with the U.S. Homeland Security Investigations (HSI), U.S. Department of Homeland Security. I have been an agent for eight years. I am currently assigned to the office of the Resident Agent in Charge, Birmingham, Alabama, and the Internet Crimes Against Children (ICAC) Task Force, where I am responsible for conducting federal and international investigations relating to crimes involving the sexual exploitation of children. I am a graduate of the Federal Law Enforcement Training Center's Criminal Investigator Training Program and have received basic, advanced, and on-the-job training in the investigation of cases involving the sexual exploitation of children.
2. This affidavit is made in support of a criminal complaint for Matthew R. Usher, the defendant. The defendant is a native and citizen of the United States, born in or about April 1974, social security number xxx-xx- 3921.
3. On or about the 9th day of January 2012, the defendant initiated contact with undercover law enforcement by posting a comment to an undercover profile, via the internet stating "In Birmingham for a couple of days.. where are you?" In the correspondence that followed, the defendant came to believe that a person was willing to arrange for the defendant to engage in illegal sexual activity with children under the age of 16. The defendant was communicating with an undercover police officer, and communicated with an undercover police officer via the internet and telephone.
4. On or about the 10th day of January 2012, the defendant indicated within a post he could not email the undercover as the email was not working. He then posted to contact him at "coreyd14 at hotmail dot com".
5. On or about the 10th day of January 2012, the defendant indicated within an email communication "Tomorrow Wednesday. I am totally sane, discrete, and normal (except for my attraction to boys, i guess..)..."
6. On or about the 10th day of January 2012, the defendant indicated within an email communication "...I am 36. Not interested in pain or anything

like that, would never hurt a boy. Just like to please. I am very oral, love sucking and rimming. I am a top, but would love to be pounded by a young horny boy. Yeah, in Birmingham for business.. staying at the Hilton near the Summit.”.

7. On or about the 10th day of January 2012, the defendant indicated within an email communication in regards to meeting the minor children for sexual activity, “...Yes, I am very interested. Free all afternoon until probably 7 or so. ...That way we can both see that we are for real and not cops or anything. Or if you could send me some pix of you with the boys doing stuff, i don't know. ...”
8. On or about the 10th day of January 2012, the defendant indicated within an email communication in regards to meeting the minor children for sexual activity, “I would love to suck and rim them, play with their asses, whatever.”
9. On or about the 11th day of January 2012, the defendant arranged to meet for illegal sexual activity on the 11th day of January 2012 in the Northern District of Alabama during an email conversation in which he stated the location to meet in Jefferson County within the Northern District of Alabama.
10. On or about the 11th day of January 2012, the defendant indicated within an email communication “...Just go into the bathroom and either get a stall or go up to a urinal and get your dick hard.. I will come in after and do the same thing. If you could bring a nude pic or something of one of the boys with you, I will know u r for real and we can go from there....”.
11. On or about the 11th day of January 2012, the defendant indicated in email to an undercover he wanted both children under the age of 16 years old for illegal sexual activity. “...yeah, both would be great. ...”
12. After making arrangements to meet at a store in the Northern District of Alabama on or about the 11th day of January 2012, the defendant arrived at the meeting place and met the undercover officer. While meeting with the undercover officer the defendant motioned in an affirmative nod he was “coreyd”.
13. After being arrested, a positive identification of the defendant was made when agents located his Driver’s License on his person.

14. Based upon the conduct outlined above, the defendant did use a facility and means of interstate and foreign commerce to attempt to knowingly persuade, induce, and entice an individual who has not attained the age of 18 years to engage in sexual activity for which a person can be charged with a criminal offense, in violation of 18 U.S.C. § 2422(b). Such sexual activity, if it had occurred, would constitute criminal violations of Sodomy and Sexual Abuse statutes under the laws of the State of Alabama.



Suzanne Prevatte
Special Agent
Department of Homeland Security



PAUL W. GREENE
CHIEF UNITED STATES MAGISTRATE JUDGE